

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JULY 26, 2016 – 6:00 P.M.  
NEW CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor  
Presiding

Also Present:  
Jerry Ihler, City Manager  
Frank V. Jensen, City Attorney  
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Rick Gettens, Mind of Christ Multi Ethnic Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One  
Keith Jackson, Ward Two  
Rosemary Bellino-Hall, Ward Three  
Dwight Tanner, Jr., Ward Five  
Cherry Phillips, Ward Six  
V. Gay McGahee, Ward Seven  
Doug Wells, Ward Eight

ABSENT:

Jay Burk, Ward Four

AUDIENCE PARTICIPATION:

John Veal, 2012 NE 31<sup>st</sup> Street, Deputy Director of the U.S. Small Business Administration, Oklahoma District Office, stated they opened up a disaster center in Lawton and he wanted to update the council on that effort. He stated they saw 130 applicants and they issued 43 applications. Of those issued they have received 35 applications and so far have approved 6 home loans for the citizens of Lawton. (Mr. Veal distributed an information sheet which is on file in the City Clerk's office).

Mayor Fitch questioned if these were low numbers.

Mr. Veal stated they have until September to do on line applications.

Mayor Fitch suggested we put information about the deadline on the website.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF MAY 24 AND JULY 12, 2016.

MOVED by Wells SECOND by McGahee to approve the minutes of Lawton City Council regular meetings of May 24 and July 12, 2016. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

Mayor Fitch stated they need to discuss item #5 and strike #7.

MOVED by Wells SECOND by Jackson to approve the consent agenda with the exception of items #5 and #7. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

1. Consider the following damage claims recommended for approval: Marilou Chasenah, through her attorney Jack Stipe in the amount of \$7,850.00 (**Res 16-55**), and Wayne and Stacy Simmons in the amount of \$937.11 (**Res 16-56**). Exhibits: Legal Opinions/Recommendations , Res. 16-\_\_\_ and Res. 16-\_\_\_.
2. Consider the following damage claims recommended for denial: Dennis and Kyong Routh, dba, Routh's Rentals in the amount of \$245.00 and Richard and Marion Reno in the amount of \$500.00. Exhibits: Legal Opinions/Recommendations.
3. Consider authorizing the City Attorney to initiate litigation by filing a foreclosure law suit, in the Comanche County District Court to be styled City of Lawton v. Personal Representative of the Estate of Mary Ida Via, et al. Exhibits: None.
4. Consider authorizing the City Attorney to initiate litigation by filing a foreclosure law suit, in the Comanche County District Court to be styled City of Lawton v. Estate of Lois J. Newton, et al. Exhibits: None.
5. Consider approving a lease agreement between GO SPARQ, LLC and the City of Lawton for a tract of city property adjacent to the Public Works Complex located at 2200 SW 6<sup>th</sup> Street to facilitate the construction and operation of a compressed natural gas fueling facility and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Site Plan. Proposed lease agreement (on file with the City Clerk), Proposal received from GO SPARQ (on file with the City Clerk).

Larry Wolcott, Public Works Director, stated this item is for approval of a lease agreement for a tract of property which is adjacent to the public works complex. The purpose of the lease agreement is for the construction and operation of a compressed natural gas fueling station. This station will allow for fast fill that is open to the public and a slow fill system exclusively for the city's fleet. The city would receive preferential CNG pricing for vehicles as well as monthly rental income for all the fuel sold to outside customers. The agreement would be for 10 years

with 2 year extensions, unless it is terminated by either party. If it is not economically viable to the vendor after 31 months they have the option to provide a six month notice. We would then have the ability to purchase the station at a depreciated value. It has an exclusivity clause that would require the City of Lawton to purchase gas from the CNG station. This will help us reduce fuel prices as well as equipment maintenance.

Jackson questioned the difference between municipal slow fill and public fast fill. Why wouldn't we all be the same?

Wolcott stated the complex will be set up to where the public has access to four pump nozzles at the fast fill. Our side will be gated off and will have dispensers for 32 of our vehicles that can fill overnight and staff does not have to fuel vehicles in the morning.

Ihler stated the city will be able to use the fast fill if needed.

Phillips questioned if we currently have any CNG vehicles.

Wolcott stated we do have lake patrol trucks that are bi-fueled that use CNG or unleaded. Currently they fuel at the Luvs station.

Morford questioned if they expect much public use.

Wolcott stated there hasn't been a station in town to promote the use of CNG vehicles so this is the first step to encourage the use of CNG.

Wells stated it costs a little more to buy natural gas vehicles but the long term saving in fuel prices makes up for that. He has been talking about this since he got on council and he feels this is very beneficial to the City.

Tanner questioned if we had plans to convert some vehicles to natural gas and if we do, what is the approximate cost.

Wolcott stated they normally don't do conversions, as they go through the normal vehicle replacement program they want to look at switching when they purchase new vehicles. Conversions are a possibility, but ideally they want to buy them new, they will have better success.

Wells stated the last time he checked it cost \$3,500 - \$4,000 to convert. By the time they do that with a city vehicle that has been on the road with 100,000 miles it just wouldn't be worthwhile.

Phillips questioned if GO SPARQ has an arrangement like this somewhere else in Oklahoma where it is public and city use.

Wolcott stated they do have public stations in Texas, Louisiana, Colorado and Oklahoma.

Phillips questioned if they are going to service these stations.

Wolcott stated GO SPARQ will operate, maintain and service both sides.

Mayor Fitch stated this is good thing for the city and at the same time it will be open to the public. There are a lot of CNG vehicles within this community and there are a lot of businesses that will be buying CNG vehicles for their fleets because now it will be available in Lawton.

MOVED by Wells SECOND by Morford to approve a lease agreement between GO SPARQ, LLC and the City of Lawton for a tract of city property adjacent to the Public Works Complex located at 2200 SW 6<sup>th</sup> Street to facilitate the construction and operation of a compressed natural gas fueling facility. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

6. Consider approving the Memorandum of Understanding between the City of Lawton and the Marie Detty New Directions Women’s Shelter for the temporary boarding of animals of New Direction clients. Exhibits: Memorandum of Understanding between the City of Lawton and Marie Detty New Directions Women’s Shelter.
7. Consider approving the construction plat, accepting a performance surety in lieu of the completed improvements, and approving the record plat for Lawton Downtown Center, Part 3, located between NW 2<sup>nd</sup> Street and Railroad Avenue, Gore Boulevard and Ferris Avenue. Exhibits: Plat Map. Performance Bond is on file in the City Clerk’s Office.  
**STRICKEN**
8. Consider approval of a loan application with the Oklahoma Water Resources Board (OWRB) for the purpose of qualifying for the principal forgiveness loan program for the Alternative Water Supply Feasibility Study Project, and authorizing the Mayor and the City Clerk to execute the same. Exhibits: Loan Application is on file in the City Clerk’s Office.
9. Consider extending contract (CL15-058) Nomex Uniforms to Casco Industries Inc. of Oklahoma City, OK, Item 1 (Nomex Pants) and Northern Safety of Utica, NY, Item 2 (Nomex Shirts) for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
10. Consider extending contract RFPCL14-054 Temporary Employment Services to Express Employment Professionals of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
11. Consider extending contract CL15-008 Testing Services to Standard Testing and Engineering Co. of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
12. Consider awarding contract (CL16-031) Hydraulic Pump and Cylinder Repair to Horizon Hydraulics Inc. of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

13. Consider awarding contract (CL16-032) Nuisance Abatement to Teen Challenge of Cache, OK, Southwestern Mortgage Field of Lawton, OK and Thorne Services of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
14. Consider extending the Requirement Contract for Liquid Oxygen to Airgas USA, LLC of Tulsa, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
15. Consider extending the requirement contract for Sodium Hypochlorite to Petra Chemical Company for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
16. Consider approval of payroll for the period of July 4 - 17, 2016.

OLD BUSINESS ITEMS:

17. Consider an ordinance amending Sections 11-2-201, 11-4-401 and 11-4-402, Article 11-4, Chapter 11, Fire Department and Services, Lawton City Code, 2015; by adopting Appendices B and C of the International Fire Code, 2009 Edition, pertaining to fire-flow requirements and fire hydrant spacing for new buildings and structures, modifying the requirements for fire hydrants serving existing structures, deleting the definition of a change of use for an existing structure, and providing for severability and an effective date. Exhibits: Ordinance 16-\_\_\_\_.

Richard Rogalski, Community Services Director, stated council members and staff have met several times to discuss how they can make the City of Lawton more user friendly for development. There is a contention out there that the City isn't very user friendly and that we are difficult to work with on smaller development and the use of existing structures. Items #17 and #18 are both companion items in an effort to make some serious code modifications in that regard. This item deals with the location of fire hydrants and there was a specific request to make our code for fire hydrants more reasonable. One of the items they are talking about is the whole change of use item which is primarily handled in the next item, but there was a definition in this chapter and they just deleted it so it would not conflict with the other chapter. This chapter really deals with how we deal with fire hydrants for new and existing structures. For new structures this code adopts Appendices B and C of the International Fire Code which provides more of a customized approach for fire hydrant requirements. Appendix B says that depending upon your building areas, here is your fire flow requirement and Appendix C say that based on your fire flow requirements, here is how the hydrants are supposed to be laid out. Those are only for new structures. Our current code says every 300 feet and this says that it is going to be some distance, but it will be based on the nature of your building. The next issue is with existing structures and that is where we have the most problems. The IFC, Section 507 has a requirement that basically says that no part of the building should be more than 400 foot from the fire hydrant. The 400 foot is where the hose would go to combat the fire. With this code, it is as long as you can get to the building. This is going to be based on where the buildings are and where the hydrants are. If new hydrant are required they will be required, same as always, but this is just a different approach. This is really taken out of the International Fire Code, Section 407.

Phillips questioned if the Fire Marshall was a part of this.

Rogalski stated he was a part of the committee that went over this.

Phillips questioned if the Fire Marshall was okay with this.

Ihler stated as part of the committee process he agreed to this.

Jackson stated he appreciates the effort that staff has made with this because everyone has finally come together with a compromise on the positive side for the developers and the citizens. He stated the council is trying to be more user friendly in the community and they are working towards that.

Wells stated we have already adopted the international fire code but for some reason the appendices were never adopted, so we are just adopting the appendices to it.

MOVED by Jackson SECOND by Phillips to adopt **Ordinance 16-21**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-21

An ordinance amending Sections 11-2-201, 11-4-401 and 11-4-402, Article 11-4, Chapter 11, fire department and services, Lawton City Code, 2015; by adopting appendices b and c of the international fire code, 2009 edition, pertaining to fire-flow requirements and fire hydrant spacing; deleting the definition of a change of use for an existing structure; modifying the requirements pertaining to fire hydrants and water supply; providing for severability and establishing an effective date of thirty days from today.

18. Consider an ordinance pertaining to existing building code and regulations creating Section 6-5-2-226, Division 6-5-2, Article 6-5, Chapter 6, Lawton City Code, 2015, providing regulations for a change of occupancy/use and/or for alterations within existing buildings; and providing for severability and an effective date. Exhibits: Ordinance 16-\_\_\_ and Relative Hazard Categories.

Rogalski stated Councilmember Tanner's focus was how the change of use can kick you into a lot of code compliances that can really tie you up because you can move in to start a business and you think you can just fix it up a bit and you found out that the business was two different codes and there is a lot of other costs associated with moving in there. With this code they provide a very clear definition of what a change of use/occupancy is. In trying to make this user friendly, you can't make a change of occupancy unless you meet code, however, if your change of occupancy is to a hazard that is not more hazardous in terms of life and fire safety of the previous use, then the code official has discretion not to apply all the codes that would otherwise apply. He stated they did create a table for the code official to use as a guide that they can hand to people to show where their use is, however, not all uses are straight forward. For example, with a storage unit, it would depend what you store in that room as to whether it is extremely

hazardous or not at all. This provides good guidance to the code officials and for a lot of these normal uses we can provide these minimal requirements. He stated it also provides that if you have a building that was built to the 2001 building codes and you are doing a change of use to a lower hazard grade, the code official can determine that the code you have to follow for that alteration is the code your building was originally built under, so he can go back and apply the 2001 code provided that there hasn't been a major change that has a live safety issue. Generally speaking, that is the guidance. You make a minor alteration, you can follow the same code the building was built under.

Tanner thanked staff for coming up with a really good compromise and he feels it will be very beneficial for the community and it is more user friendly than we have in place now.

MOVED by Tanner SECOND by McGahee to adopt **Ordinance 16-22**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 16-22

An ordinance creating Section 6-5-2-226, Division 6-5-2, Article 6-5, Chapter 6, buildings, construction and housing, Lawton City Code, 2015; providing regulations for a change of occupancy/use and/or for alterations within existing buildings; providing for codification and severability, and an establishing effective date of thirty days from today.

Phillips stated that she hopes that those who have not opened a business or have not expanded because of the codes and the cost will reconsider and look into the new code. Staff has done a superb job in making this more user friendly.

Jackson stated while reviewing this, in some cases it was going to cost as much as \$75,000 to bring in that additional fire hydrant and that is cost prohibitive when you have an existing building and someone is just trying to open up a shop.

#### NEW BUSINESS ITEMS:

19. Consider providing direction to City staff to proceed with preliminary planning for the formal creation and operation of a Municipal Criminal Court of Record within the new Public Safety Facility as authorized in state law for cities having a population of more than sixty-five thousand (65,000) inhabitants. Exhibits: None.

Jackson stated this has come about because of some changes made by the state legislature and have given municipalities of 65,000 and over the opportunity to become courts of record and he highly supports this.

MOVED by Jackson SECOND by Wells to direct city staff to begin preliminary planning for potential creation of a municipal criminal court of record within the new public safety facility as authorized by state law to include the additional personnel needed and other costs of administering such a court and further move to create a council committee that will receive and study the preliminary plans of city staff and make recommendations to the council on whether or

not to proceed beyond the preliminary planning stage. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

Mayor Fitch stated he will wait to appoint a council committee because we may have some new members on the council soon.

20. Consider an ordinance pertaining to alarm systems amending Sections 7-4-1-402, 405, 406, 407, 408, amending the title of Section 404, creating Section 409, Division 7-4-1, Article 7-4, Chapter 7, Lawton City Code, 2015, by providing for a fee assessment for false alarm calls, providing for severability and establishing an effective date. Exhibits: Ordinance 16-\_\_\_\_.

Jim Russell, Assistant City Manager, stated the council committee basically removed the criminality, no longer making it a misdemeanor to have three false alarms within a consecutive 90 day period and extended it to a 12 month period. Your first two false alarms are freebies and we will not start assessing any fees until you reach your third false alarm. For your third and fourth false alarm we will have a fee of \$50 and for each alarm after five it would be \$75. They also established an appeal process so a person can appeal it to the City Manager's office. He stated they previously discussed having a permit required for businesses and residences and that piece has been stricken.

Tim Wilson, Assistant City Attorney, stated he noticed the agenda item title is not correct. The agenda item title does not match the title in the ordinance. The agenda item title was what was on the original ordinance that came to council a few weeks ago. The title in the ordinance was shortened because we are not changing as many sections.

Mayor Fitch questioned if the council can still act on this ordinance.

Jensen stated he will correct that when he reads the correct title of the ordinance.

Tanner stated this ordinance change pretty much mirrors what we already had in place. The only difference is we decriminalized it. After three false alarms the police officer is not going to write you a citation. The penalties here are \$50, after the second one you are fined \$50.

John Hoffman, 310 NW 63<sup>rd</sup> street, stated that in talking with police officers, none have written a citation for violation of this code. Several he talked to were told not to enforce it. He questioned the effective date.

Mayor Fitch stated thirty days from today.

MOVED by Wells SECOND by Phillips to adopt **Ordinance 16-23**, waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.



(Title read by City Attorney)

Ordinance 16-23

An ordinance pertaining to alarm systems, providing for a fee assessment for false alarm calls, amending Sections 7-4-1-402, 405, 406, amending the title of Section 404, Division 7-4-1, Article 7-4, Chapter 7, Lawton City Code, 2015, providing for severability and establishing an effective date of thirty days from today.

21. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015 as amended, by establishing the schedule of fees and charges for false alarm responses by emergency services, amending the fees pertaining to Chapter 7 business, providing an appeals process and establishing an effective date. Exhibits: Resolution No. 16-\_\_\_ and Exhibit “A”.

Russell stated this is simply the fees that will be assessed for the alarms. He stated they have met with the 911 call center supervisor, the police department and fire department and they have determined to set up a code so that before that call is cleared the police and fire will tell the dispatcher what that code is, whether it is for an active alarm, false alarm or call off. Those codes will be put into a spread sheet by the dispatcher and on a weekly basis they will be forwarded to the neighborhood services division who will track those calls. Once they reach that third call they will generate a letter to the homeowner to tell them they have been assessed a fee for their excessive false alarms and they will send out letters for each false alarm after that.

Wells stated he hopes the media will cover this and explain to homeowners that if they have an alarm go off and their alarm company call in and they know it's a false alarm, they need to have their alarm company call back in to have it cancelled because the 911 center will not cancel based on the citizen calling in. You need your alarm company to call back in.

Jensen stated he is not required to read the title of resolutions but whoever prepared this one outside of his office is wrong too. We don't establish an appeals process in a resolution. The correct title of the resolution is “A resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015 as amended, by establishing the schedule of fees and charges for false alarm responses by emergency services, amending the fees pertaining to Chapter 7 business, and establishing an effective date of thirty days from today”.

MOVED by Wells SECOND by Phillips to adopt **Resolution 16-57** as amended. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

22. Consider approving an Ordinance creating Section 15-5-501 and amending Section 15-5-503, Article 15-5, Chapter 15, Nuisances and Health, Lawton City Code, 2015, to re-title the article; to define vehicles; and to clarify the requirements for the parking and storing of vehicles in one and two family neighborhoods and zoning districts; and providing for codification, severability and an effective date. Exhibits: Ordinance 16-\_\_\_.

Rogalski stated staff has been working with a council committee on this ordinance for some time. The current members are councilmember Wells, Morford and Burk. Even though they

have struck most of the existing ordinance, most of it is just rewritten in the new ordinance and reworded for some clarity. A big part of this new ordinance has to do with large vehicles and trailers being parked in residential neighborhoods. This code only deals with parking in residential neighborhoods. Basically you have to park on a sealed surface, you can't block a sidewalk and you have to park 12 feet away from the curb. When it comes to parking large vehicles, that is what this ordinance is providing. There is a size of a vehicle that becomes too big for a residential neighborhood and this code determines it is 8 ½ feet wide, 11 feet high or 24 feet long, anything bigger than that box is considered a large vehicle and has special rules. Trailers are also covered a little differently. Vehicles larger than that cannot be stored or parked for longer periods of time in the street or in the front yard. If you are storing this in a residential neighborhood it has to go in the rear yard. It can go on a chat/gravel surface and has to be 10 feet away from the side yard. Previously to this it has only been concrete in the rear yard. Trailers cannot be parked in the street at all and they can only be parked on a sealed surface in the driveway if they are less than 15 feet long. They exceptions to this code are if someone is working at your home and they are allowed to park a trailer in the street adjacent to where they are working at anytime. The next exception is for continued parking of vehicles, both RV's and commercial vehicles, if you have already built the driveway for it. You can come in and get a permit, and the purpose of the permit is so that we have a record of it and you are in compliance and are a legitimate exception. There is no fee for the permit and it is not transferrable but it stays with that owner of that home or facility for that time period. The other permit you can get is if someone is on call 24 hours a day and they may have trucks at home. There are people that have to be on call duty and they can get that permit, at no fee, to park that vehicle at their home in the front or side yard and is parked legally. The other exception is loading and unloading. This code provides that for loading and unloading purposes, you can park your vehicle in the street or driveway. That limitation is 3 days in any 7 day period and 6 days in any 30 days period. He stated the other section of code that deals with habitation says that you are not allowed to live in an RV or trailer parked at your home, however you can get a permit for a temporary habitation of a RV for 7 days in any 30 day period, but not exceeding 30 days in a 12 month period. (He distributed a sheet with some regulations from other towns in Oklahoma. He showed a slide of different sizes of recreational vehicles.)

Phillips questioned how we define the difference between parking and storing.

Rogalski stated we don't, it happens automatically. You don't generally drive an RV every day. The 3 and 6 days are parking. If you are one of those people that have a grandfathered permit or if you are putting it in your rear yard, that is storage. If you are bringing it in to load and unload, that is parking.

Phillips stated the number of days an RV sits in one place would define whether it is being stored or parked.

Rogalski stated if you want to put it in the front yard, you are limited to this amount of time. You can call it parking or storage but it is only 3 days.

Phillips stated if there is an RV parked in the street, how am I going to determine whether this is in violation or not.

Rogalski stated there is a timeline. As long as there is a short enough timeline.

Phillips stated she is uncomfortable with the 3 days, she feels that 5 days at least are needed to clean up, pack up and leave. And coming back, unloading everything it takes some time.

Rogalski stated that is a policy decision on the amount of days and can be determined by the council.

Mayor Fitch stated a doctor called him today and he has an RV that is 40 feet and he puts a trailer on the back pulling his car. He puts that on there the night before he leaves and it parks in the street, and he has 125 feet of frontage in his curbing at his property. He is not blocking anyone's drive, but he is extra long in length, but he just has it there the night before and he pulls out early that morning. When they return he unhooks the trailer and puts it up the next day. Is this going to create a problem for this person?

Rogalski stated we don't have a maximum length, we are just saying that once your bigger than 24 feet, then you have to follow this time limitation. There is a section that you can't block things.

Phillips questioned how we are going to monitor this.

Rogalski stated neighborhood services division will monitor this. When they go through the neighborhoods they may see an RV parked on a regular basis. More than likely it will be complaint based but we can't start counting the three days until we see the violation and note the time.

Phillips recommended that they send this back to the committee to look at changing the number of days and clarifying some of the wording. There is a lot of confusion.

Jackson stated he does not have a problem with changing the number of days, but he takes exception to the statement about the confusion. He does not feel Mr. Rogalski is confused, he is right on track on what he proposed and there is no confusion going on.

Phillips stated she was speaking about the citizen's confusion.

Morford stated they have been working on this for over a year and have had numerous meetings. He feels it is about clear and concise as you are going to get it. They can change the dates, but he does not know what else can be changed.

Bellino-Hall stated that if you look at other cities, ours is more liberal. If we need to change the days we can do that with a motion and move on and pass this.

Mayor Fitch stated five people have signed up to speak about this item.

John Pereira, 218 Mimosa, questioned how big a problem is this. He went to neighborhood services and checked to see how many complaints come in about parking and the answer was a

few and they are sporadic. There are more complaints in warmer months. He questioned what happens when it appears to be a parking violation and in that case it goes to the Lawton Police Department. He asked how often they get a complaint about an oversized vehicle or boat parked in the road. He was told it was very seldom. They did have one where somebody did not like the camper next door and they called because the camper was casting a shadow on their lawn. He owns an RV and he does not want to look out his windows and see the side of a camper instead of trees. He does not know why the city would allow for the storage of RV's in town at all. In most communities you can't store an RV where it sits there for months. Just parking it is temporary in nature. He stated if you are going to have it parked out there on a temporary basis and it is not going to be out there for ten days and then it's going to be moved, it is temporary in nature. Regardless as to the size of the vehicle you can park it in the street. If you can fit it in the driveway where the back of the vehicle does not end up in the right of way or in that site triangle, if it is legally parked up there and it is registered street legal and insured, it really should not be the city's business. Not stored, but parked there. He feels that storing it infringes on the neighborhood and it should be stored in a commercial lot. We are not trying to restrict parking because of safety factors, because the traffic laws take care of the safety factors. He thinks the problem is that people don't like to look out and see an RV on a permanent basis. His is usually parked 5 days at the most. He feels they need to differentiate between storage and parking. He stated the graph staff is showing is total nonsense.

Wells stated of the four cities that are listed, all of them allow storage on lots, so that is not unusual for cities to allow storage of RV's on lots.

Dan Tucker, 6916 SW Beta, stated he knew if he waited long enough we would get away from that user friendly stuff. Then you turn around and come back with something like this. When he worked with neighborhood services they would receive one or two calls a month. He owns a fifth wheel trailer and trailers had a maximum length of 15 feet and that is totally unreasonable. His is short at 300 foot. He stated this is a waste of time and good coin that this council has with the citizens of Lawton for being user friendly and being a friendly community. This is a waste of staff effort and it needs to be met on again because his vehicle isn't even defined other than to say it is too big.

Jesse Greenlee, Jr., 2302 SW Douglas Avenue, stated he has had his RV for six years in his driveway and it is ready to go out at anytime. It is 32 feet and sits there all the time, but now does he have to pay someone to store it on their property?

Rogalski stated this code does have the provision that if you have a parking area for your RV and it does not hang over the sidewalk, you just come in and get a permit at no cost and you can keep it there. It is called a grandfather clause and you have 90 days to get the permit. You can even come in during those 90 days and get a permit to build a driveway to put your RV on.

Mr. Greenlee stated the article in the paper said nothing about being grandfathered in.

Rogalski stated as long as you have that house, you have a permit to park the RV or the trailer.

Steward Johnson, 307 NW 33<sup>rd</sup> Place, stated he confused from the newspaper article. He has had an RV for over 10 years and he has always parked it at his home. His driveway is big enough that it sits 25 feet from the building line and over 25 feet from his neighbor's house. He questioned if he can continue to park it there with a permit.

Rogalski stated yes.

Mr. Johnson stated even though it is 40 feet long.

Rogalski stated yes. There is a 90 day window to get a permit if you already have a facility built or you can come in and get a permit to build a driveway to park it on. If it is smaller than 24 foot or a trailer smaller than 15 foot, it is like a car, but if it is bigger than that you need this permit.

Maria Gagne, 2311 NE Kingsbriar Drive, stated she has had an RV in her driveway since 1999. She cannot understand why the city has spent so much time on RV's and trying to restrict what people can and cannot do with them. She has a 42 foot fifth wheel which is not covered here and it fits in her driveway. When they moved here they attempted to get a permit to build a garage for the RV but they were not being issued at the time because the city was having issues.

Jackson stated Ms. Gagne is not in violation and she can get a permit to continue to park her fifth wheel.

Ms. Gagne stated her fifth wheel is 42 feet and she does not think it is 25 feet back. That is what she read and that is why she is upset.

Rogalski stated to park in the driveway you have to park it so that the back of RV is 12 feet away from the curb.

Ms. Gagne stated they have always had that. That is not what she read and that is why everyone is so concerned.

Wells stated we already have an ordinance in affect that disallows most of the things that this ordinance disallows except we are saying there are some that are completely legal and we are grandfathering in old ones. Neighborhood services in the past has had the option to write citations for trailers being parked in driveways and this is making it much easier for RV owners.

Darla Pereira, 218 Mimosa, stated in the ordinance it says that if the RV is longer than 24 feet it cannot be parked in the driveway. She questioned if you get the permit for the RV to park in your driveway if it is longer than 24 feet.

Rogalski stated yes, but only for this grandfather window period which is 90 days after the passage of the ordinance.

Mrs. Pereira stated that you are not able to do this if you don't get this permit during that time.

Rogalski stated that door would be closed after the 90 days and from there on you cannot park in your front yard if it is more than 24 feet.

Ihler stated you have to have that 12 foot space from the curb back.

Mrs. Pereira stated the way the ordinance is written is not what it being said.

Wells stated he read the letter from the Pereira's and if they bring it in to prepare for a road trip, do they have to park it in the street or can they park it in the driveway if they are past the 12 feet.

Rogalski stated for that period of time you can park in the driveway or the street.

Mrs. Pereira stated it is difficult to prepare for a trip in less than five days.

McGahee questioned how much time would Mrs. Pereira need.

Mrs. Pereira stated they need at least five days to get the coach ready. If they are getting it out of storage in the spring time or putting it in storage in the winter, it takes some time.

McGahee questioned how many days out of the month they park their vehicle in front of their house.

Mrs. Pereira stated they are there 5-7 days depending on what has to be done. They don't want it sitting in the street because of vandalism or the weather. She stated in Let's RV Today newsletter, Lawton is noted as a very RV unfriendly town.

Justin Hackney, 1814 NW Ferris, stated everyone is focusing on the RV's, but they need to think about those who use 16 foot trailers for landscaping, gutters, etc. that are used for small businesses. They don't have an office but they park their trailers at their homes in their back yards or driveways. You closed the loop for them to get a permit or make a new space if they move to a new residence. This is making it hard for the working class.

Jackson stated an allowance has been made for commercial trailers.

Rogalski stated that any type of vehicle that is larger than the limit, a trailer or RV, there is a grandfather clause to come in and get this permit. The permit is non transferrable unless you have on-call status and then you can move and get another permit. The on-call status is the only category that allows you to have a special permit repeatedly. You can park it in your rear yard without a problem, but if it is larger than required you have that window to park it in the front yard.

Mr. Hackney stated we are not talking about on-call people, we are talking about those that go to work every day, not necessarily on call. He feels this issue needs to be revisited. A lot of these people rent homes and move a lot.

Rogalski stated this code is making a statement that these larger vehicles shouldn't be parked in the street or the front yard in a residential neighborhood.

Bellino-Hall questioned how this would affect him if he is moving the trailer every day when he goes to work.

Rogalski stated with commercial vehicles that are used every day it will be very difficult for us to enforce. This code says that if it is bigger than this you can't put it in the front yard. The existing code is a little more aggressive against trailers simply because they are non-motorized and they need to be put away a little better.

Mr. Hackney stated a lot of commercial trailers are 16 foot.

Tanner stated right now anybody that has a trailer or RV that is longer than 24 feet and you park it in your front yard or side yard, then you can be grandfathered in. You can't park it in the street for more than 3 consecutive days if it is longer than that. This is aimed at the RV's for loading and unloading. There is a provision made that you can park these vehicles that are longer than the 15 feet for the trailers and 24 feet for the RV's in your back yard and you can put them on chat or gravel. He feels if you're set back that 12 feet and you are parking in your side yard he does not know why we couldn't extend the length for these RV's and trailers for parking in your front yard or side yard.

Mayor Fitch stated no one should be parking in their front yard.

Rogalski stated it is a planning term, anything in front of the house is a front yard and even the driveway is in the front yard. You park in front of the house on the driveway.

Tanner stated he feels this ordinance as written is workable if we will extend the time you can park in the street for the RV's and maybe extend the length of the trailer to maybe 18 feet that you can park in your driveway.

Mayor Fitch stated it doesn't matter how long as long as you are 12 feet from the curb.

Rogalski stated this is a policy decision for council to decide how you want neighborhoods to appear. As long as it is 12 feet away from the curb it isn't a safety issue, it is an aesthetic issue.

Morford questioned if Mr. Hackney was running a business out of his residence.

Mr. Hackney stated no he doesn't run a business out of his residence, but he leaves from his residence each day.

Morford questioned how he gets his orders.

Mr. Hackney stated he does everything from his phone.

Morford stated he has been a real estate developer all his life and he writes plat restrictions and people that live in the area look to him for the restrictions to be enforced. He stated he probably gets four or five calls a month from people about RV's. They don't like it and to enforce our restrictions we have to go to court and people don't want to testify against their neighbor. This is the problem we are having and that is why he is doing this, to make it easier for everyone.

Joshua Leach, Neighborhood Services Supervisor, stated he runs into issues constantly with commercial vehicles, RV's and large trailers. He has gotten calls from almost every large commercial entity thanking him for working on this sort of code because they can't get through city streets. Fire trucks and ambulances cannot get through city residences for emergency purposes at times because there is an RV or trailer blocking the road.

Tanner stated if it is parked in the road and interfering with the flow of traffic, they are automatically in a traffic violation and you can turn that over to the police.

Leach stated it takes time to get the LPD out there.

Tanner stated if I lived on a street and someone is blocking the road, I am going to call the police.

Leach stated he has had people call because they are trying to sell a home and no one wants to buy it because their neighbor has an RV parked in the side yard. These are the types of issues they keep running into. He stated at far as enforcement of the three day period, the actual enforcement will start on day four and they will get notice to remove the vehicle or face a citation or fine. With this code his guys will not be going out looking for RV's, if there is a problem they will address it. It is a safety concern especially with it hanging over the curbs and into the street.

Tanner stated he thought there was an ordinance already in place where you had to be set back 12 feet from the curb. If these vehicles are hanging over the easement or sidewalk they are already in violation of the code so we can already do something about that.

MOVED by Morford SECOND by Jackson to adopt **Ordinance 16-24**, and change the three days to five days.

Tanner questioned how they are going to address the concerns about these utility trailers. With this ordinance if it is longer than 15 feet they will not be able to park their utility trailer in their side driveway, they will be forced to park it in the back. He feels they need to make some provisions for these utility trailers to be allowed to park in their driveway following current city ordinance where they have the 12 foot setback but just extend that length.

Morford stated this is a residential area, not a commercial area.

Tanner stated a lot of folks have these utility trailers for their own personal use at their own house.



Herbert Derricott, 1612 NW Cheyenne Drive, stated he owns a 15 foot trailer and he owns 32 lots in the city and when he cuts grass he does not head home until 9 p.m. He bought a house big enough for the trailer to set out front, and a 24 foot boat. The way this is written he can't park his trailer there overnight.

Tanner stated we haven't talked about boats, they are on trailers that are longer than 15 feet.

Mr. Derricott stated the council needs to go back and rewrite this ordinance with some common sense. He has a neighbor that complains about everything.

Tanner stated he feels they need to add some length to the utility trailers.

Phillips stated she would like to go back to her original comments that she feels this needs to be looked at again. All of the citizens here have given them reasons why they don't understand the ordinance. She feels they need to take this back and look at it again and make some changes that she thinks they are all in agreement with such as the number of days and the length of the trailer.

Jackson stated that Phillips needs to show up at the committee meetings. The people have been meeting for over a year.

Phillips stated she will be there.

SUBSTITUTE MOTION by Phillips SECOND by McGahee to table. AYE: Bellino-Hall, Tanner, Phillips, McGahee, Wells. NAY: Morford, Jackson. MOTION CARRIED.

Bellino-Hall requested it come back to council in a reasonable time.

Morford stated he would like to be taken off the committee. They have fought this one side will be here and then the other and whoever puts pressure on you that is how you vote. That is not right, they need to be right and vote right.

Wells stated he would also like to be off the committee. Citizens don't understand that the ordinance is already in effect and you can already be fined for parking your commercial vehicle on the street. This ordinance was making it clearer and better for the citizens.

Mayor Fitch requested that Councilmember Morford stay on for at least one more meeting. He has championed this issue all along and he would like him to stay on.

Morford stated he will not, he has said all there is to say.

Wells stated he will not stay because the ordinance is a good ordinance and it does the right thing.

Mayor Fitch stated Council members Phillips, McGahee and Tanner will be appointed as a new committee to bring this ordinance back to council in two weeks.

Mayor Fitch thanked the committee for all the time they have given to this issue.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Phillips stated that Dunbar school is being cleaned up by volunteers who want to save the building. She stated it will be worth it in the end.

The Mayor and Council convened in executive session at 8:01 p.m. and reconvened in regular, open session at 8:08 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

23. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Delia Castillo Ramos and Orlando Ruiz Sosa vs. City of Lawton, CJ-2015-401, and if necessary, take appropriate action in open session. Exhibits: None.

Mayor Fitch read the title of item #23.

MOVED by Morford SECOND by Bellino-Hall to appoint Council member Doug Wells as the representative for the City of Lawton at the pre-trial and settlement conference in Comanche County District Court case CJ-2015-401 styled Delia Castillo Ramos and Orlando Ruiz Sosa vs. City of Lawton. AYE: Morford, Jackson, Bellino-Hall, Tanner, Phillips, McGahee. NAY: Wells. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:09 p.m. upon motion, second and roll call vote.

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FRED L. FITCH, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK